



DOUGLAS A. DUCEY  
GOVERNOR

STATE OF ARIZONA  
OFFICE OF THE GOVERNOR

EXECUTIVE OFFICE

June 6, 2019

The Honorable Katie Hobbs  
Secretary of State  
1700 W. Washington, 7<sup>th</sup> Floor  
Phoenix, AZ 85007

Dear Secretary Hobbs:

I am transmitting to you the following bills from the Fifty-fourth Legislature, 1st Regular Session, which I signed on June 6th, 2019:

H.B. 2475 water use; criminal penalty; wells (Bowers)  
H.B. 2501 electronic records; state library (Blackman)  
H.B. 2758 empowerment scholarships; qualified school (Petersen)  
S.B. 1215 state lease-purchase agreements; payoff (Livingston)  
S.B. 1216 uniform receivership act; commercial property (Livingston)  
S.B. 1220 reviser's technical corrections; 2019 (Fann)  
S.B. 1244 caregivers; assisted living; training (Brophy-McGee)  
S.B. 1485 school tuition organization; inflator (Mesnard)

Sincerely,

Douglas A. Ducey  
Governor  
State of Arizona

cc: Senate Secretary  
Chief Clerk of the House of Representatives  
Arizona News Service

House Engrossed Senate Bill

**FILED**  
**KATIE HOBBS**  
**SECRETARY OF STATE**

State of Arizona  
Senate  
Fifty-fourth Legislature  
First Regular Session  
2019

**CHAPTER 280**  
**SENATE BILL 1244**

AN ACT

AMENDING SECTIONS 36-446 AND 36-446.03, ARIZONA REVISED STATUTES; AMENDING  
TITLE 36, CHAPTER 4, ARTICLE 6, ARIZONA REVISED STATUTES, BY ADDING  
SECTION 36-446.15; RELATING TO ASSISTED LIVING FACILITIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 36-446, Arizona Revised Statutes, is amended to  
3 read:

4 36-446. Definitions

5 In this article, unless the context otherwise requires:

6 1. "Administrator" or "nursing care institution administrator"  
7 means a person who is charged with the general administration of a nursing  
8 care institution, whether or not that person has an ownership interest in  
9 the institution and whether or not the person's functions and duties are  
10 shared with others.

11 2. "Assisted living facility" has the same meaning prescribed in  
12 section 36-401.

13 3. "Assisted living facility manager" means a person who has  
14 responsibility for the ~~administration~~ ADMINISTERING or ~~management~~ of  
15 MANAGING an assisted living facility, whether or not that person has an  
16 ownership interest in the institution and whether or not the person's  
17 functions and duties are shared with others.

18 4. "Assisted living facility training program" includes:

19 (a) Training THAT IS required for assisted living facility manager  
20 certification.

21 (b) Training THAT IS required ~~by the department~~ for assisted living  
22 facility caregivers AND THAT IS CONSISTENT WITH THE TRAINING, COMPETENCY  
23 AND TEST METHODOLOGY STANDARDS DEVELOPED BY THE ARIZONA HEALTH CARE COST  
24 CONTAINMENT SYSTEM ADMINISTRATION FOR IN-HOME DIRECT CARE WORKERS.

25 5. "Board" means the board of examiners of nursing care institution  
26 administrators and assisted living facility managers.

27 6. "Department" means the department of health services.

28 7. "Directed care services" has the same meaning prescribed in  
29 section 36-401.

30 8. "Director" means the director of the department of health  
31 services.

32 9. "Nursing care institution":  
33

34 (a) Means an institution or other place, however named, whether for  
35 profit or not, including facilities operated by the state or a subdivision  
36 of the state, that is advertised, offered, maintained or operated for the  
37 express or implied purpose of providing care to persons who need nursing  
38 services on a continuing basis but who do not require hospital care or  
39 care under the daily direction of a physician. ~~Nursing care institution~~

40 (b) Does not include:

41 (i) An institution for the care and treatment of the sick that is  
42 operated only for those who rely solely on treatment by prayer or  
43 spiritual means in accordance with the tenets of a recognized religious  
44 denomination. ~~Nursing care institution also does not include~~

45 (ii) Nursing care services that are an integral part of a hospital  
licensed pursuant to this chapter.

10. "Unprofessional conduct" includes:

(a) Dishonesty, fraud, incompetency or gross negligence in ~~the performance of~~ PERFORMING administrative duties.

(b) Gross immorality or proselytizing religious views on patients without their consent.

(c) Other abuses of official responsibilities, which may include ~~intimidation~~ INTIMIDATING or ~~neglect of~~ NEGLECTING patients.

Sec. 2. Section 36-446.03, Arizona Revised Statutes, is amended to read:

36-446.03. Powers and duties of the board; rules; fees

A. The board may adopt, amend or repeal reasonable and necessary rules and standards for the administration of this article in compliance with title XIX of the social security act, as amended.

B. The board by rule may adopt nonrefundable fees for the following:

1. Initial application for certification as an assisted living facility manager.

2. Examination for certification as an assisted living facility manager.

3. Issuance of a certificate as an assisted living facility manager, prorated monthly.

4. Biennial renewal of a certificate as an assisted living facility manager.

5. Issuance of a temporary certificate as an assisted living facility manager.

6. Readministering an examination for certification as an assisted living facility manager.

7. Issuance of a duplicate certificate as an assisted living facility manager.

8. Reviewing the sponsorship of continuing education programs, for each credit hour.

9. Late renewal of an assisted living facility manager certificate.

10. Reviewing an individual's request for continuing education credit hours, for each credit hour.

11. Reviewing initial applications for assisted living facility training programs.

12. Annual renewal of approved assisted living facility training programs.

C. The board may elect officers it deems necessary.

D. The board shall apply appropriate techniques, including examinations and investigations, to determine ~~if~~ WHETHER a person meets the qualifications prescribed in section 36-446.04.

E. On its own motion or in response to any complaint against or report of a violation by an administrator of a nursing care institution, or a manager of an assisted living facility, the board may conduct



1 investigations, hearings and other proceedings concerning any violation of  
2 this article or of rules adopted by the board or by the department.

3 F. In connection with an investigation or administrative hearing,  
4 the board may administer oaths and affirmations, subpoena witnesses, take  
5 evidence and require by subpoena the production of documents, records or  
6 other information in any form concerning matters the board deems relevant  
7 to the investigation or hearing. If any subpoena issued by the board is  
8 disobeyed, the board may invoke the aid of any court in this state in  
9 requiring the attendance and testimony of witnesses and the production of  
10 evidence.

11 G. Subject to title 41, chapter 4, article 4, the board may employ  
12 persons to provide investigative, professional and clerical assistance as  
13 required to perform its powers and duties under this article.  
14 Compensation for board employees shall be as determined pursuant to  
15 section 38-611. The board may contract with other state or federal  
16 agencies as required to carry out this article.

17 H. The board may appoint review committees to make recommendations  
18 concerning enforcement matters and the administration of this article.

19 I. The board by rule may establish a program to monitor licensees  
20 and certificate holders who are chemically dependent and who enroll in  
21 rehabilitation programs that meet board requirements. The board may take  
22 disciplinary action if a licensee or a certificate holder refuses to enter  
23 into an agreement to enroll in and complete a ~~board approved~~  
24 BOARD-APPROVED rehabilitation program or fails to abide by that agreement.

25 J. The board shall adopt and use an official seal.

26 K. The board shall adopt rules for the examination and licensure of  
27 nursing care institution administrators and the examination and  
28 certification of assisted living facility managers.

29 L. The board shall adopt rules governing payment to a person for  
30 the direct or indirect solicitation or procurement of assisted living  
31 facility patronage.

32 M. The board must provide the senate and the house of  
33 representatives health committee chairmen with copies of all board minutes  
34 and executive decisions.

35 N. The board by rule shall limit by percentage the amount it may  
36 increase a fee above the amount of a fee previously prescribed by the  
37 board pursuant to this section.

38 O. The board by rule shall prescribe standards for assisted living  
39 facility training programs. ON OR BEFORE JUNE 1, 2020, THE BOARD SHALL  
40 PRESCRIBE RULES FOR ASSISTED LIVING FACILITY CAREGIVERS THAT ARE  
41 CONSISTENT WITH THE TRAINING, COMPETENCY AND TEST METHODOLOGY STANDARDS  
42 DEVELOPED BY THE ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM  
43 ADMINISTRATION FOR IN-HOME DIRECT CARE WORKERS.

1 P. The board may:

2 1. Grant, deny, suspend or revoke approval of, or place on  
3 probation, an assisted living facility training program.

4 2. Impose a civil penalty on an assisted living facility training  
5 program that violates this chapter or rules adopted pursuant to this  
6 chapter.

7 Sec. 3. Title 36, chapter 4, article 6, Arizona Revised Statutes,  
8 is amended by adding section 36-446.15, to read:

9 36-446.15. Assisted living facility caregivers; training and  
10 competency requirements; medication  
11 administration; testing

12 A. NOTWITHSTANDING ANY OTHER LAW, A PERSON WHO SUCCESSFULLY  
13 COMPLETES THE TRAINING AND COMPETENCY REQUIREMENTS DEVELOPED BY THE  
14 ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM ADMINISTRATION FOR IN-HOME  
15 DIRECT CARE WORKERS SATISFIES THE TRAINING REQUIREMENTS FOR ASSISTED  
16 LIVING FACILITY CAREGIVERS, EXCEPT FOR MEDICATION ADMINISTRATION TRAINING  
17 REQUIRED BY THE ASSISTED LIVING FACILITY CAREGIVER'S SCOPE OF PRACTICE.

18 B. AN INDIVIDUAL WHO MEETS THE REQUIREMENTS SPECIFIED IN SUBSECTION  
19 A OF THIS SECTION AND WHO REGISTERS FOR A MEDICATION ADMINISTRATION  
20 EXAMINATION IS REQUIRED TO TAKE AND SUCCESSFULLY COMPLETE ONLY THE PART OF  
21 THE ASSISTED LIVING FACILITY CAREGIVER EXAMINATION THAT COVERS THE SUBJECT  
22 OF MEDICATION ADMINISTRATION.

23 C. THE TESTING OF AN INDIVIDUAL FOR MEDICATION ADMINISTRATION  
24 COMPETENCY:

25 1. SHALL BE CONDUCTED IN ACCORDANCE WITH THE TESTING STANDARDS  
26 ADOPTED BY THE BOARD.

27 2. MAY BE CONDUCTED BY A TRAINING SCHOOL APPROVED BY THE BOARD OR  
28 BY THE ASSISTED LIVING FACILITY THAT PROVIDED THE TRAINING FOR THE  
29 INDIVIDUAL.

**APPROVED BY THE GOVERNOR JUNE 6, 2019.**

**FILED IN THE OFFICE OF THE SECRETARY OF STATE JUNE 6, 2019.**

Passed the House May 27, 2019,

Passed the Senate February 28, 2019,

by the following vote: 59 Ayes,

by the following vote: 30 Ayes,

0 Nays, 1 Not Voting

0 Nays, 0 Not Voting

RC. [Signature]  
Speaker of the House  
*Pro Tempore*

[Signature]  
President of the Senate

[Signature]  
Chief Clerk of the House

[Signature]  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary to the Governor

Approved this \_\_\_\_\_ day of

\_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of Arizona

S.B. 1244

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State

SENATE CONCURS IN HOUSE  
AMENDMENTS AND FINAL PASSAGE

Passed the Senate May 27, 2019

by the following vote: 28 Ayes,

0 Nays, 2 Not Voting

Karen Farn  
President of the Senate

Jason Owens  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

28<sup>th</sup> day of May, 2019

at 12:20 o'clock A M.

Ryan Shul  
Secretary to the Governor

Approved this 6<sup>th</sup> day of

June 2019

at 11:29 o'clock A M.

Douglas Ducey  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 6 day of June, 2019

at 3:53 o'clock P. M.

Kth  
Secretary of State